

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

James Cline

Case No.

3:18mj562

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 15, 2018 in the county of Miami in the
Southern District of Ohio, the defendant(s) violated:

Code Section

21 USC s. 846 & 841(b)(1)(A)

Offense Description

conspiracy to possess with intent to distribute 400 grams or more of fentanyl,
a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit of Steven Lucas

☒ Continued on the attached sheet.



Complainant's signature

Steven Lucas, SA of the DEA

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/13/18

City and state:

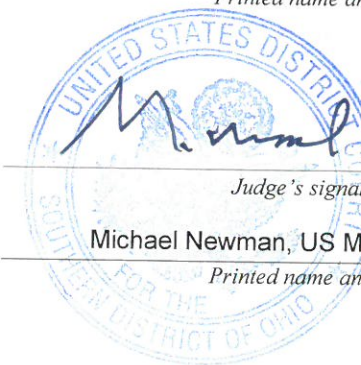
Dayton, Ohio



Judge's signature

Michael Newman, US Magistrate Judge

Printed name and title



AFFIDAVIT

Steven M. Lucas, a Special Agent (S/A) of the Drug Enforcement Administration (DEA), United States Department of Justice ("hereinafter referred to as the Affiant"), being duly sworn, deposes as follows:

INTRODUCTION

1. Affiant is an "Investigative or Law Enforcement Officer" of the United States Drug Enforcement Administration within the meaning of Title 21, United States Code, Section 878. That is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 21, United States Code, Section 878.
2. Affiant is a law enforcement officer and has been employed by the DEA since June 2005, and is assigned to the Dayton Resident Office. Prior to becoming a special agent, Affiant was a police officer with the Schererville Police Department between 1995 and 2005. During that time, Affiant was assigned to the DEA HIDTA group in Merrillville, Indiana for approximately 4 years. Affiant has conducted and participated in complex drug trafficking conspiracy and money laundering investigations which have resulted in arrests; execution of search warrants that resulted in the seizure of narcotics, narcotics proceeds and other evidence of narcotics trafficking activities; and supervised the activities of cooperating sources (CS) that have provided information and assistance resulting in narcotics purchases. Through training and experience, affiant is familiar with the manner in which persons involved in the illicit distribution of controlled substances often operate. These people usually attempt to conceal their identities, as well as the locations at which they reside, and where they store controlled substances and the illegal proceeds derived there from. Through training and experience, affiant is familiar with the practices of narcotics distributors, whereby they attempt to conceal the true nature, source and location of proceeds of illegal activity, commonly referred to as money laundering. Affiant has participated in several Title-III wire tap investigations and is familiar with how local drug traffickers and high level traffickers conduct transactions.

3. Affiant is participating in an investigation conducted by agents of the DEA and other agencies into the distribution of controlled substances of individuals in the Dayton, Ohio area and elsewhere. Unless otherwise noted, when I assert that a statement was made, I received the information from a law enforcement officer who provided the information to me, either verbally or in a written report. The officer providing me with the information may have received the information by way of personal knowledge or from another source.

4. I am familiar with the facts and circumstances described herein and make this affidavit based upon personal knowledge derived from my participation in this investigation, conclusions I have reached based on my training and experience, and upon information I believe to be reliable from the following sources:

- A. Oral and written reports about this investigation and other investigations which I have received from federal agents and agents from state and local law enforcement agencies;
- B. Physical surveillance conducted by federal and local law enforcement agents, the details of which have been reported to me either directly or indirectly;
- C. Telephone records, including toll records and subscriber information;
- D. Information developed from cooperating sources, and defendant witnesses;
- E. Public records, and;
- F. GPS location data taken from cellular phones.

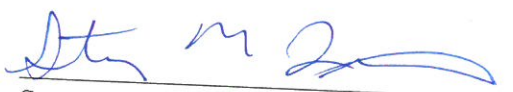
5. The purpose of this affidavit is to establish probable cause for a criminal complaint against, and an arrest warrant for, James Cline for a violation of 21 U.S.C. s. 846 (conspiracy to possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl).

FACTS ESTABLISHING PROBABLE CAUSE

6. On or about February 15, 2018, DEA agents executed a federal search warrant at 5545 S. County Road 25A, Tipp City, Ohio. (Notably, in the weeks and months before the search, agents had observed several individuals, including JESUS MAYORGA GONZALEZ, NABOR ZAPEDA-IBARRIA, and JAMES CLINE coming and going from the residence. Additionally, a source of information, who has provided reliable information in the past, advised law enforcement that a white male named "Jim" (i.e., James Cline) frequently drove one of these Hispanic males to drug transactions. According to the source of information, CLINE also completed for one of the Hispanic males wire transfer transactions involving drug proceeds).
7. During the execution of the warrant, agents made contact with JESUS MAYORGA GONZALEZ as he drove away from the residence. JESUS MAYORGA GONZALEZ had the key to the Tipp City residence in his pocket. Agents found CLINE inside of the house. CLINE advised agents that JESUS MAYORGA GONZALEZ and NABOR ZAPEDA-IBARRIA frequently hid drugs in the floor board of the home's attic. Consistent with CLINE's statements, agents recovered approximately 3 kilograms of a fentanyl mixture hidden beneath the attic's floor.
8. During a post-Miranda interview, CLINE admitted that he watched as JESUS MAYORGA GONZALEZ and NABOR ZAPEDA-IBARRIA packaged not only fentanyl but also bulk quantities of money. CLINE further acknowledged driving JESUS MAYORGA GONZALEZ to drug deals and to pick up drug money from customers.

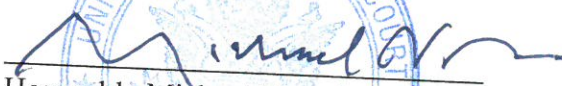
CLINE also described wiring drug proceeds on behalf of JESUS MAYORGA GONZALEZ.

9. Based upon the information contained in this affidavit, Affiant believes there is probable cause for a criminal complaint against, and an arrest warrant for, James Cline for a violation of 21 U.S.C. s. 846 (conspiracy to possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl).



Steve Lucas, Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me on August 13, 2018.



Honorable Michael Newman
United States Magistrate Judge

